

## REMARKS

Claims 1-10 were pending. Claim 2 has been cancelled, claims 1, 3, 4, and 6 have been amended, and new claims 11-43 have been added. Accordingly, claims 1 and 3-43 are presented and at issue.

### 1. Rejections Under 35 USC 102

The Examiner rejected claims 1-10 under 35 USC 102 as being anticipated by Levergood et al., U.S. Patent No. 5,708,780. However, for the reasons set forth hereinafter, it is submitted that the teachings of Levergood are completely distinguishable from applicant's claimed invention.

Levergood relates to a security system for controlling and monitoring access to network servers. Specifically, a service request is forwarded from the client to the server. The server subjects the client to an authorization routine. If the client is an authorized client, the server appends a session identification (SID) code to the client's request, and also appends this SID code to subsequent service requests from the client to the server within a session of requests. The server then returns the SID to the client. The SID includes an authorization identifier that allows an authorized user to access a controlled file (refer to col. 3, lines 7-43 for further details). Accordingly, Levergood describes a technique for controlling access to files stored on a server, such that only authorized users will be able to access these files.

In contrast to the techniques of Levergood, applicant's claimed invention relates to the tracking of commercial Internet transactions. Applicant's invention does not deal with access control, nor does it involve the authorization of users. One aspect of applicant's claimed invention involves an affiliate-defined package. This term was amended from the phrase "U1" field of claim 3 to more particularly distinguish applicant's claimed invention from Levergood. The affiliate-defined package may be used to store any information that an affiliate would like to associate with an Internet commercial transaction. This package can be used for any purpose whatsoever, illustratively including the tracing of a sales transaction back to the particular banner which a user clicked to access the site from which an Internet purchase was made. Unlike the techniques described in Levergood, this affiliate-defined package is not used

for security purposes.

Another aspect of applicant's claimed invention relates to a web-searching content spider. This spider is a program that reads each of a plurality of web pages to look for keywords that a merchant either wants, or does not want, to find on a page. Claim 1 has been amended to more particularly distinguish this feature from the security and access control methods of Levergood. Specifically, claim 1 is now directed to a data processing system for supporting web based commerce and commission tracking on a multi-node network. The system includes a web access and scanning code for selectively downloading web pages and examining web page content to determine whether the content thereon is related to products promoted on said web page, and wherein the code includes a comparison mechanism for determining if the content includes terms that are antithetical to products promoted or to be promoted on the web page. These claimed features are neither disclosed in, nor suggested by, the Levergood patent.

Additional novel features of applicant's invention are presented in newly-drafted claims 11-43.

In view of the foregoing distinctions, it is submitted that claims 1 and 3-43 are allowable over the prior art of record, and such action by the Examiner is earnestly solicited. If, however, the Examiner believes that there are any unresolved issues, the Examiner is urged to contact the undersigned at 215-963-5071.

Respectfully submitted,



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#### CERTIFICATE OF MAILING

I hereby certify that I have a reasonable basis that this paper, along with any referred to above, (i) are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231,

DATE: March 4, 2003

NAME: Steven R. Bartholomew  
SIGNATURE: Steven R. Bartholomew

## Marked-Up Version of Claims

1. *(Amended)*: A data processing system for supporting web based commerce and commission tracking on a multi-node network, comprising:  
web access and scanning code for selectively downloading web pages and examining web page content to determine whether the content thereon is [appropriate for] related to products promoted on said web page, and wherein the code includes a comparison mechanism for determining if the content includes terms that are antithetical to products promoted or to be promoted on said web page..

2. *(Cancelled)*: ~~The system of claim 1 wherein said code includes comparator means for determining if said content includes terms that are antithetical to products promoted or to be promoted on said web page.~~

3. *(Amended)*: A data processing system for supporting web-based commerce and commission tracking on a multi-node network comprising:

- a Content Provider for displaying promotions;
- a Clearinghouse server in communication with said Content Provider for parsing HTTP commands received therefrom, including a ~~U1~~ an affiliate-defined field comprising plural subvariables; and
- a Merchant site interconnected to said Clearinghouse server.

4. *(Amended)*: The system of claim 3 further comprising programming for managing a commission vector process wherein target commission recipients are identified as a subvariable in said ~~U1~~ affiliate-defined field.

5. *(Unchanged)*: The system of claim 3 further comprising programming on said Merchant site for sending a file to said Clearinghouse server comprising information on commerce at said Merchant site.

6. *(Amended)*: A data processing system for supporting web-based commerce and commission tracking on a multi-node network, comprising:

one or more Content Providers with web pages wherein said web pages include linking instructions associated with select promotions;

a Clearinghouse server for tracking USER interactions with said promotions, said Clearinghouse server further comprising programming for detecting fraudulent activity relating to said promotions; and

one or more Merchant sites interconnected to said network and available for providing goods and/or services to USERS referred to said Merchant site by said linking instructions.

7. (*Unchanged*): The system of claim 6 wherein said fraud detection programming includes click pattern assessment over time.

8. (*Unchanged*): The system of claim 6 wherein said fraud detection programming includes Javascript detection.

9. (*Unchanged*): The system of claim 7 wherein said programming tracks time intervals between clicks from a select promotion.

10. (*Unchanged*): The system of claim 7 wherein said programming detects repeated clicks from a single IP address.

11. (*New*): A data processing system for establishing, managing and tracking commercial transactions undertaken on a wide access network, the system comprising:  
a Content Provider site interconnected to said network and programmed to display to a USER visiting said Content Provider through a site content viewing program, information about one or more products or services available for commercial transactions, at a site separate from said Content Provider, wherein said display includes associated with said information, linking instructions for directing said USER's viewing program to a site separate from said Content Provider site, and said linking instructions further comprise code for associating with said visiting USER, a unique USER identification code inserted onto said USER http command line and/or passed along in said USER URL;  
a Clearinghouse site interconnected to said network and programmed to receive information regarding display of or selection of said display information on said Content

Provider site, and the ability to read said USER unique identification code, and store said code in memory, and further, to provide connection of said USER to an identified Target Merchant Site, wherein said Target Merchant Site is associated to said display information;

a Target Merchant site interconnected to said network and programmed to provide the ability to transact said product and/or services; wherein said Target Merchant site is further programmed to record information about a purchase made by said USER and to communicate said purchase information back to said Clearinghouse site, wherein said purchase information is used by said Clearinghouse server to allocate credit to the Content Provider.

12. (*New*): The system of claim 11 wherein the linking instructions placed on said Content Provider server further comprise information about said Content Provider site address.

13. (*New*): The system of claim 11 wherein said linking instructions code comprises logic to insert said USER identification code onto a http command line via USER prompt, and said display information on said Content Provider site is in the form of highlighted text or graphical image.

14. (*New*): The system of claim 11 wherein display information on said content Provider site is in the form of a promotional banner, textual link or icon.

15. (*New*): The system of claim 11 wherein said network is public access.

16. (*New*): The system of claim 11 wherein said network is a private intranet.

17. (*New*): The system of claim 11 wherein said Clearinghouse site further provides data entry relating to promotional arrangements between Merchants and Content Provider.

18. (*New*): The system of claim 17 wherein said Clearinghouse site includes data storage for retaining a collection of pre-packaged promotional arrangements in the form of offers.

19. (*New*): The system of claim 18 wherein said promotional arrangements may be configured for auto-approve.

20. (*New*): The system of claim 11 wherein a cookie and/or means for storing information on said USER'S computer corresponding to the USER'S interaction with the Merchant's site is placed on a USER'S computer if a purchase is not made during a visit to said Merchant's site.

21. (*New*): The system of claim 20 wherein said cookie and/or means for storing information on said USER'S computer corresponding to the USER'S interaction with the merchant's site is used to track said visitor during a subsequent visit to said Merchant site.

22. (*New*): A data processing method for bringing together Merchants and Content Providers using a computer network, the method comprising the steps of:

receiving multiple inquiries from Merchants and Content Providers using a Clearinghouse server;

accessing the Clearinghouse server to enter or locate data regarding a promotional offer associated with goods or services available from said Merchant on a separate site interconnected to said network;

accessing the Clearinghouse server to search for and/or access stored data on existing offers to said Content Providers;

entering an acceptance of counteroffer by said Content Provider; and

consummating a promotional arrangement electronically by interconnecting said Content Provider site to said Merchant site by a hyperlink.

23. (*New*): The method of claim 22 wherein said promotional offer includes an auto-approve indicator.

24. (*New*): The method of claim 22 wherein said Content Provider receives transaction processing software from said Clearinghouse server.

25. (*New*): The method of claim 22 wherein said searching step includes entry of keyword search criteria to locate Merchant offers.

26. (*New*): The method of claim 22 wherein said consummated promotional arrangement delineates payment terms for sales relating to said Content Provider.

27. (*New*): A central Clearinghouse server for intercommunication with plural remote computers through network connections, the Clearinghouse server comprising: a first communication link between said central Clearinghouse server and one or more remote Content Providers, wherein said remote Content Providers make available one or more hypertext links in the form of highlighted text, graphics and/or images, and supply said links with coding to associate an identifier with a USER and to direct said USER to said Clearinghouse server;

a first data processing mechanism for receiving said USER identifier and associating said USER identifier with said originating Content Provider;

a second communication link between said Clearinghouse server and a destination Merchants site, wherein transaction information triggered by a USER during a visit to said Merchant site via said Content Provider hypertext links, is transmitted to said Clearinghouse server;

a second data processing mechanism for processing transaction information from said Merchant site wherein said transaction information includes information regarding actions undertaken by said USER in response to said Content Provider hypertext link.

28. (*New*): The system of claim 27 wherein said USER identifier is applied to a http command line at said Content Provider upon USER access of a hypertext link associated with a merchant.

29. (*New*): The system of claim 27 wherein said second data processor accumulates transactional data for reporting to said Content Provider.

30. (*New*): The system of claim 27 wherein said destination Merchant site places a cookie onto a USER for tracking USER visits.

31. (*New*): A data processing system for supporting communication and commerce on a wide access network wherein said network comprises a plurality of computers interconnected and in communication using common protocols for transferring text and images relating to select goods and services, the system comprising:  
a first computer connected to and in communication with said network with memory storage for one or more files defined by universal resource locator, said files forming web pages and providing information of interest to one or more USERS and further including a promotional icon formed from text, graphics, or image having embedded therein a sequence of commands for transferring a link to a USER computer in communication with said first computer, to a second, Clearinghouse computer and then to a third Merchant computer wherein goods and/or services associated with said promotional icon are available for purchases; said transfer of said USER computer link including a user identifier that is recorded at the Clearinghouse computer and the Merchant computer so that purchases made at the Merchant computer by said USER may be tracked and used to provide a commission based on referral by said icon.

32. (*New*): The system of claim 31 wherein the first computer commands embedded with the icon include html coding that establishes a unique identifier for said USER.

33. (*New*): The system of claim 31 wherein the Clearinghouse computer stores information from the USER http comprising first computer site ID, USER ID and icon ID.

34. (*New*): The system of claim 33 wherein said USER link is established to said merchant computer by http command enabled by said Clearinghouse server.

35. (*New*): The system of claim 34 wherein said Merchant computer records said USER link including USER ID, and first computer site ID.

36. (*New*): The system of claim 35, wherein said Merchant computer associates a cookie with said USER if no transaction takes place during the USER'S link.

37. (*New*): The system of claim 35 wherein purchases by said USER at said Merchant computer are recorded and used to determine a commission.

38. (*New*): The system of claim 36 wherein a subsequent visit by said USER that is associated with a transaction results in a credit to said first computer as a referral of said USER.

39. (*New*): A data processing system for establishing promotional arrangements governing the development of referrals, comprising a Clearinghouse server configured and programmed to receive communications from web-based Merchants regarding commerce to be effected over a web site and in response to said communications accessing one or more stored promotional arrangements governing the use of a referral promotion to direct USER'S browsing the web to said Merchant's site said Clearinghouse server transmitting to said Merchants one or more of said promotional arrangements for review and selection.

40. (*New*): The system of claim 39 wherein said promotional arrangements are stored on said Clearinghouse server in pre-defined format having an established set of terms.

41. (*New*): The system of claim 39 wherein said Clearinghouse server includes communication means for access by one or more Content Providers. wherein said Content Providers are able to access said Clearinghouse server and review offers corresponding to one of said stored promotional arrangements.

42. (*New*): The system of claim 41 wherein said promotional arrangement can be either open or closed.

43. (*New*): The system of claim 41 wherein said promotional arrangement is auto-approved.